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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,990	03/12/2004	Vijay Deshmukh	5693P043	6882
48102 7590 09/19/2007 NETWORK APPLIANCE/BLAKELY 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER WU, YICUN	
			ART UNIT 2165	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,990

Applicant(s)

DESHMUKH ET AL.

Examiner

Yicun Wu

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-28 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-28 and 30-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-13, 16-28 and 30-32 are presented for examination.

Response to Applicant' Remarks

2. In response to Applicants Amendments and remarks, Double Patenting rejection has been withdrawn.

Applicant's arguments presented in the reply to previous office action filed on 10/2/2006, with respect to the rejected claims in view of the cited references have been fully considered but they are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,4,5,9,10,12,13,17-20, 22-27 and 30-32, are rejected under 35 U.S.C. 102(e) as being anticipated over Sheth et al., (U. S. Patent No. 6,311,194 and Sheth hereinafter).

As to claims 1,9,17-20, 22-24, 27-28 and 30-32, Sheth discloses a method for collecting information from a storage server managed by use of multi-appliance management application (MMA), the method comprising:

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Using an agent (i.e. agent. Col. 5, lines 1-14) to scan the storage server (i.e. locally or remotely accessible content. Col. 5, lines 1-14 and fig. 14) and to collect information regarding files stored by the storage server (i.e. source of digital media. Col. 10, lines 26-31), wherein the agent is a separate device from the storage server and the MMA (i.e. metabase agent. fig. 10); and summarizing the information and creating a summary by using the agent (i.e. metabase agent. fig. 10), and storing the summary on a database server (i.e. metabase. Col. 5, lines 15-21)).

As to claims 2,10,18 and 25, Sheth discloses analyzing the files and generating statistics regarding the files (i.e. statistics. Col. 15, lines 56-60).

As to claims 4,12 and 26, Sheth discloses wherein the statistics comprise a number of files, a size of files, and an average access time of files (i.e. the volume of media files and the quality of the available metadata about those media files. Col. 10, lines 30-35).

As to claims 5 and 13, Sheth discloses transferring the summary to the MMA before storing the summary on the database Server (FIG. 14).

As to claims 31 -32, the limitations of these claims have been noted in the rejection above. They are therefore rejected as set forth above.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 6, 7, 11, 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheth in view of Horn (US Patent Publication No. 2005/0050269).

As to claim 3,6,7,11,21 and 28, Sheth analyzing files and generating file statistics data in a database/table (i.e. statistics. Col. 15, lines 56-60).

Sheth does not explicitly teach generating histogram from the collected information/statistics for visualization.

Horn teaches generating histogram from the collected information/statistics for visualization (paragraph [0011]). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Sheth as modified with the teachings of Horn to include generating histogram from the collected information/statistics for visualization with the motivation to organize storage system data in real time (Horn, paragraph [0010]).

5. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kao as modified in view of Dave Marshall, Threads: Basic Theory and Libraries, may 1999, pages 232 and hereinafter referred to as Marshall.

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As to claims 8 and 16, Sheth discloses examine files to collect file system information (i.e. directory structure, classification and categorizations that organize information. Col. 7, lines 45-50).

Sheth does not teach using threads.

Marshall teaches using threads (page 4).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Sheth as modified with the teachings of Marshall to include using threads with the motivation to use fewer system resources, improve program structure and also improve application responsiveness (Marshall, page 4).


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Points of contact

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yicun Wu whose telephone number is 571-272-4087. The examiner can normally be reached on 8:00 am to 4:30 pm, Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Yicun Wu 
Patent Examiner
Technology Center 2100

September 14, 2007